

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	73965	Agenda Number	100.
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Meeting Date:	8/31/2017	Department:	Development Services
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## Subject

Conduct a public hearing and consider a request by Charles Lofli, agent of CNJ Austin Wings III Inc. dba Wingstop, located at 7112 Ed Bluestein Blvd., Unit 167, to waive the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

## Amount and Source of Funding

There is no financial impact for this item.

## Fiscal Note

There is no financial impact for this item.

Purchasing Language:	
Prior Council Action:	
For More Information:	Viktor Auzenne, (512) 974-2941; Bryan Walker, (512) 974-2686; Christopher Johnson, (512) 974-2769
Council Committee, Boards and Commission Action:	
MBE / WBE:	
Related Items:	

## Additional Backup Information

The agent representing the owners of CNJ Austin Wings III Inc. dba Wingstop at 7112 Ed Bluestein Blvd., Unit 167 requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because they intend to sell alcoholic beverages at this location which is across the street from a public school, Winn Elementary School, at 3500 Susquehanna Ln.

Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if it determines that the enforcement of the distance requirement in a particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or the inefficient use of land or other resources;
- (3) creates an undue hardship on the applicant;
- (4) does not serve its intended purpose;

- (5) is not effective or necessary; or
- (6) for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.